

In the Matter Of:

SONYA CALLOWAY-DURHAM

V.

N.C. DEPARTMENT OF JUSTICE, et al.

LESLIE DISMUKES

March 18, 2024

LEGAL | MEDIA | EXPERTS

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
3 WESTERN DIVISION
4 Civil Action No. 5:21-cv-000371-BO

5 SONYA CALLOWAY-DURHAM,)
6)
7 PLAINTIFF,)
8)
9 V.)
10)
11 N.C. DEPARTMENT OF JUSTICE,)
12 et al.,)
13)
14 DEFENDANTS.)
15)

16 Raleigh, North Carolina
17 Monday, March 18, 2024

18 30(B)(6) DEPOSITION OF N.C. DEPARTMENT OF JUSTICE
19 BY LESLIE DISMUKES,

20 a witness herein, called for
21 examination by counsel for the
22 Plaintiff, in the above-entitled action,
23 pursuant to agreement, the witness being
24 duly sworn by Debbie Rodgers, Court
25 Reporter and Notary Public in and for
the State of North Carolina, taken at
701 Corporate Center Drive, Suite 450,
Huddle Room, Raleigh, North Carolina,
beginning at 1:58 p.m.

1 **APPEARANCES OF COUNSEL**

2
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1 P R O C E E D I N G S

2 THE COURT REPORTER: Would you
3 please raise your right hand. Do you
4 affirm to tell the truth, the whole
5 truth, and nothing but the truth?

6 THE WITNESS: I do.

7 THE COURT REPORTER: Thank you.
8 On the record at 1:58.

9 LESLIE DISMUKES,
10 having been duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MS. BATEMAN:

14 Q. Okay. Ms. Dismukes, thanks for being
15 back with me.

16 A. Sure.

17 Q. Today you have been designated for topic
18 7, 11, 16, and 17.

19 MS. JOSEPH: Wait.

20 Q. 7 and 8 -- I mean, yeah. 7 -- No, 11 --

21 MS. JOSEPH: 7 --

22 MS. BATEMAN: 7, 16 --

23 MS. JOSEPH: 7, 11, and 17. Do
24 you have the chart that was marked, I
25 think, as DOJ 1A?

1 MS. BATEMAN: Yeah, I don't --
2 I've got -- yeah. I missed -- sorry.
3 Danielle Elder. Sorry about that.

4 MS. JOSEPH: So we agree 7, 11,
5 17?

6 MS. BATEMAN: Yeah.

7 MS. JOSEPH: Okay.

8 MS. BATEMAN: Yeah.

9 MS. JOSEPH: Okay. Onward.

10 MS. BATEMAN: Okay. All right.
11 Yes. So let's go back over that again
12 then. Let's say 7, 16 --

13 MS. JOSEPH: No.

14 MS. BATEMAN: No. 7, 11, and
15 17.

16 MS. JOSEPH: Correct.

17 MS. BATEMAN: Okay.

18 BY MS. BATEMAN:

19 Q. So you are aware -- or let me ask you:
20 Are you aware that Plaintiff served
21 discovery requests on all of Defendants,
22 including NCDOJ, prior to noticing
23 30(b)(6) depositions?

24 A. I'm generally aware that you served
25 discovery requests on DOJ.

1 Q. Okay. I'm going to show you what we're
2 going to mark Dismukes Deposition
3 Exhibit 1.

4 (DISMUKES EXHIBIT NUMBER 1 WAS MARKED.)

5 MS. JOSEPH: These are her
6 individual responses; is that right?

7 MS. BATEMAN: Pardon me?

8 MS. JOSEPH: These are her
9 individual responses?

10 MS. BATEMAN: These are the
11 individual ones -- or that's actually
12 Ms. Dismukes' responses to the
13 individual interrogatories.

14 BY MS. BATEMAN:

15 Q. Do you -- Do you -- Just look at that
16 document and tell me if you identify it
17 -- if you can identify it.

18 MS. JOSEPH: As I said, just
19 let us know what topic you're starting
20 with.

21 MS. BATEMAN: Okay.

22 A. Okay.

23 Q. Okay. Do you recognize that document?

24 A. I do. I do.

25 Q. Okay. And I don't think the

1 verification is attached, but do you
2 remember verifying your responses to
3 those interrogatories?

4 A. I do remember verifying my responses.

5 Q. Okay. Let me show you what we're going
6 to mark Dismukes Exhibit Number 2.

7 (DISMUKES EXHIBIT NUMBER 2 WAS MARKED.)

8 Q. And ask if you'll review this, as well.

9 A. And, again, I do recognize this.

10 Q. Okay. So you're aware that documents
11 were turned over by your attorneys in
12 response to the individual request for
13 production?

14 A. I'm generally aware that we've turned
15 over documents. Can you be a little
16 more specific about which documents --

17 Q. Well, let me finish with my question.

18 A. Okay. Sure.

19 Q. Let me go back and start that question
20 over.

21 Does your general awareness of
22 the fact that documents were turned over
23 include your awareness that documents
24 have been produced -- additional
25 documents were produced last Friday and

1 then on Sunday?

2 A. I am aware of the documents produced on
3 Friday and on Sunday.

4 Q. Okay. And let me show you what we're
5 going to mark...

6 (DISMUKES EXHIBIT NUMBER 3 WAS MARKED.)

7 Q. All right. Let me ask you if you have
8 seen --

9 MS. JOSEPH: And this is marked
10 Dismukes 3?

11 MS. BATEMAN: Pardon me?

12 MS. JOSEPH: Dismukes 3?

13 MS. BATEMAN: Yes, Dismukes 3.

14 I'm sorry.

15 BY MS. BATEMAN:

16 Q. -- if you have seen this email?

17 MS. JOSEPH: Again, not sure
18 what topic this is. Is it 7, 11, or 17?
19 I'm not going to instruct her not to
20 answer, but just -- see that -- not sure
21 where we are.

22 MS. BATEMAN: Well, I'm trying
23 to establish the extent to which she's
24 prepared --

25 MS. JOSEPH: Okay.

1 MS. BATEMAN: -- for this
2 deposition.

3 A. I have not seen this email.

4 BY MS. BATEMAN:

5 Q. You have not seen this email. So have
6 you reviewed the -- well, let me show
7 you what's attached to it, as well. You
8 see those two pages attached to it?

9 Have you looked at the
10 documents that were produced on Friday?

11 MS. JOSEPH: Objection to form.

12 A. I'm not sure that I can relate what I
13 have looked at to whatever purports to
14 be these file paths, if that makes
15 sense. I -- If you have a document, I
16 could tell you, but this is hard to tell
17 from.

18 Q. That's okay. Do you -- Do you -- You
19 can't tell me whether you reviewed these
20 documents?

21 MS. JOSEPH: Objection. I
22 don't think she knows what "these
23 documents" are, based on the exhibit.

24 THE WITNESS: That's correct.

25 Q. Well, they're -- they're documents with

1 Bates numbers, as indicated.

2 A. I have not memorized any Bates numbers.

3 If you have a --

4 Q. Okay.

5 A. -- specific document, I could tell you
6 if I've reviewed it.

7 Q. Were these productions sent to you
8 before they were sent to me to review?

9 MS. JOSEPH: Objection. What
10 was sent to her -- if -- Objection to
11 the extent that that calls for
12 communication between counsel and
13 Ms. Dismukes. I -- I think you're
14 entitled to ask her about what she
15 examined and what she looked at to
16 prepare and to establish that she's
17 prepared, but asking her to relate it to
18 these printouts showing file tabs
19 without the documents, I -- I don't
20 think is -- gets at that.

21 BY MS. BATEMAN:

22 Q. Okay. So my question is -- and this is
23 just a yes or no question -- have you
24 reviewed the documents that were
25 produced on Friday?

1 A. I believe so.

2 Q. Okay. And would you have done that on
3 Friday or sometime over the weekend?

4 A. It's hard for me to know which documents
5 you're talking about. I have reviewed
6 documents in preparation for the
7 document production I helped to gather,
8 and I have also reviewed documents over
9 the weekend in preparation for my
10 deposition, but --

11 Q. And you --

12 A. -- without knowing what you're referring
13 to, I didn't memorize Bates numbers, and
14 so I also, not having seen the
15 transmittal email, can't connect them
16 unless you have a particular document
17 you want to ask me about.

18 Q. Okay. Well, Will Graebe works for the
19 Morningstar Law Group; correct?

20 A. That's my understanding.

21 Q. And he's part of the team that's
22 representing you; correct?

23 A. That's my understanding.

24 Q. And he sent this email on Friday on your
25 behalf; correct?

1 MS. JOSEPH: Objection.

2 A. I wouldn't say it was on my behalf. It
3 appears that Will sent this email to you
4 on Friday.

5 Q. And produced these documents?

6 A. It appears that there are attachments to
7 the email that Will sent you on Friday.

8 Q. Okay. All right. So if you look at the
9 -- look at the body of this email, it
10 refers to NCDOJ 15, NCDOJ 16, and NCDOJ
11 17. Do you see that?

12 A. I do see that.

13 Q. Okay. I'm going to show you a document
14 we're going to mark as -- actually, I'm
15 going to get you to look at the second
16 page of this attached email. And do you
17 see that at the top, it says NCDOJ 15?

18 A. I do see that.

19 Q. Okay. And --

20 MS. JOSEPH: May I ask what
21 this is?

22 MS. BATEMAN: Well, it's NCDOJ
23 15.

24 MS. JOSEPH: So is it a
25 screenshot of the ShareFile that was --

1 MS. BATEMAN: It's a screenshot
2 of the ShareFile.

3 MS. JOSEPH: Okay. So it is a
4 screenshot?

5 MS. BATEMAN: Yeah.

6 MS. JOSEPH: Okay. Thanks.

7 BY MS. BATEMAN:

8 Q. And, actually, let's just detach that
9 email from these pages because I want
10 you to look at something.

11 MS. JOSEPH: Are we going to
12 mark that separately?

13 MS. BATEMAN: Yeah. We're
14 going to just mark the email as --

15 MS. JOSEPH: Well, that one's
16 already marked as Dismukes 3.

17 MS. BATEMAN: Yeah. Okay.
18 Mark the second one as Dismukes Exhibit
19 4.

20 MS. JOSEPH: So this is --

21 MS. BATEMAN: So I think we've
22 got -- can we just -- can we just trade
23 the first pages? Can you just tear your
24 first page off?

25 MS. JOSEPH: Sorry, second --

1 MS. BATEMAN: -- and give me
2 that one?

3 MS. JOSEPH: -- page is the
4 first file page?

5 MS. BATEMAN: Yeah.

6 MS. JOSEPH: Okay. Dismukes 4
7 is the -- is the NCDOJ 15 page --

8 MS. BATEMAN: Yes.

9 MS. JOSEPH: -- only?

10 MS. BATEMAN: Yeah.

11 MS. JOSEPH: Okay.

12 MS. BATEMAN: Yeah.

13 (DISMUKES EXHIBIT NUMBER 4 WAS MARKED.)

14 BY MS. BATEMAN:

15 Q. Okay. And that has -- look at the third
16 page of it.

17 MS. JOSEPH: Just so I'm clear.

18 MS. BATEMAN: Okay.

19 MS. JOSEPH: She -- She has
20 only one page in Dismukes 4. You said
21 look at the third page.

22 MS. BATEMAN: The two other
23 pages that were with that are going to
24 be the second and third pages.

25 MS. JOSEPH: Right. But are

1 they marked separately?

2 MS. BATEMAN: It's Dismukes 4.

3 MS. JOSEPH: Okay. Okay. So

4 MS. BATEMAN: Dismukes 4 is

5 three pages.

6 MS. JOSEPH: Understood. Okay.

7 And each of them is a screenshot from

8 the ShareFile?

9 MS. BATEMAN: Yes.

10 BY MS. BATEMAN:

11 Q. And do you see that there are -- if you

12 look on page 3, it looks like there are

13 13 documents listed.

14 MS. JOSEPH: Of Dismukes 4?

15 Well, objection to form.

16 MS. BATEMAN: Pardon me?

17 MS. JOSEPH: Objection to form.

18 BY MS. BATEMAN:

19 Q. Do you see -- Do you see --

20 MS. JOSEPH: I'm -- I'm

21 sorry --

22 Q. -- 13 documents listed?

23 MS. JOSEPH: There appear to be

24 13 different documents based on the

25 Adobe symbol beside the documents.

1 MS. BATEMAN: Okay.

2 BY MS. BATEMAN:

3 Q. And the numbers are -- I wouldn't want
4 to call them more or less random,
5 they're arranged chronologically. Do
6 you see that they're arranged
7 chronologically?

8 MS. JOSEPH: Objection to form.

9 A. If I could just have a minute. They
10 appear to be chronological.

11 Q. I'm sorry?

12 A. They appear to be in numeric order --

13 Q. Okay.

14 A. -- perhaps chronological.

15 Q. Okay. Now, let's look at the first two
16 pages. We're just going to go back and
17 forth and compare and make sure that
18 every one of those documents on page 3
19 also appears on page 1 and 2.

20 MS. JOSEPH: Objection. She
21 said she hadn't seen this, and I'm not
22 sure which topic this is.

23 MS. BATEMAN: Well, it's --
24 it's relating to all the topics, because
25 it's relating to documents that are

1 relating to those topics.

2 MS. JOSEPH: These aren't the
3 documents. This is a screenshot of
4 files. Without disclosing what the
5 document is, it simply is a Bates
6 number.

7 MS. BATEMAN: Well, that's how
8 you identified it. I can't help how you
9 have identified it. That's -- That's
10 all that was sent to me. So are you
11 going -- Are you just going to instruct
12 her not to answer the question?

13 MS. JOSEPH: So --

14 MS. BATEMAN: I want to know if
15 she sees what I see on here.

16 MS. JOSEPH: It's a screenshot.
17 So when you have a native document, you
18 click on each file; right?

19 MS. BATEMAN: Right.

20 MS. JOSEPH: Okay. The -- The
21 files that are behind these icons are
22 not visible or available, so -- I'm not
23 going to instruct her not to answer you.
24 I don't think this is within the topic,
25 but I'm not going to instruct her not to

1 answer. So --

2 MS. BATEMAN: Okay.

3 BY MS. BATEMAN:

4 Q. Do you see that there's a NCDOJ 06515 on

5 page 1 of Dismukes 4?

6 A. I see that on page 1.

7 Q. And also on page 3?

8 A. I see it on page 3.

9 Q. Okay. We go to the second document on

10 page 3, it's 6537.

11 A. It appears to be.

12 Q. Do you see that document on this group

13 of screenshots?

14 A. Yes.

15 Q. You do?

16 A. I do.

17 Q. Okay. Is it the fourth one down on the

18 first page?

19 A. It is.

20 Q. Okay. What about document 6572?

21 A. I see it.

22 Q. And where is it?

23 A. It's the third document down on page 1

24 of Dismukes 4.

25 Q. Okay. And what about 6601?

1 MS. JOSEPH: Okay. I am going
2 to instruct her not to answer. She has
3 -- This is not the topic. You're having
4 her play a matching game. If you would
5 like to ask her about the actual
6 documents, please do.

7 BY MS. BATEMAN:

8 Q. Well, do you know what document 6601 is?

9 A. Without clicking on the icon --

10 Q. Uh-huh.

11 A. -- that's unavailable to me, I can't
12 tell you.

13 Q. Okay. Do you know if you reviewed this
14 set of documents before today?

15 A. Without seeing the documents, I can't
16 tell you.

17 Q. Okay. So let's look at what we're going
18 to mark Dismukes Number 5.

19 (DISMUKES NUMBER 5 WAS MARKED.)

20 MS. JOSEPH: Valerie, did you
21 have trouble accessing the documents?

22 MS. BATEMAN: Pardon me?

23 MS. JOSEPH: Did you have
24 trouble accessing the documents?

25 MS. BATEMAN: Let's continue

1 with the deposition.

2 BY MS. BATEMAN:

3 Q. Do you see these two pages?

4 A. I do.

5 Q. And have you reviewed NCDOJ016, the zip
6 file that contains these files --

7 A. Without --

8 Q. -- in preparation for your deposition?

9 A. Without seeing the underlying documents,
10 I cannot tell you. I did not memorize
11 the Bates stamps --

12 Q. Okay.

13 A. -- of what I reviewed.

14 Q. Let's mark this Number 6.

15 (DISMUKES EXHIBIT NUMBER 6 WAS MARKED.)

16 Q. Do you see this document has
17 NCDOJ017.zip at the top of it?

18 A. On page 1, I see that at the top.

19 Q. Yes. And it consists -- this document
20 consists of five pages. Do you see
21 that?

22 A. I do.

23 Q. Okay. And it lists a series of
24 documents, and I'm going to assume when
25 I ask you -- well, I'm just going to ask

1 you, again.

2 Did you review these documents
3 in preparation for the deposition today?

4 A. I reviewed documents in preparation for
5 the deposition today, but I cannot tell
6 you if they are these documents because
7 I did not memorize the Bates stamp
8 numbers.

9 Q. Okay. All right. Let's -- I'm going to
10 show you what we've marked as Dismukes
11 Number 7.

12 (DISMUKES EXHIBIT NUMBER 7 WAS MARKED.)

13 Q. You stated earlier that you were
14 generally aware that documents had been
15 produced on the 15th and 17th.

16 Have you seen this email
17 before, the one dated the 17th producing
18 additional documents?

19 A. I have not seen the email.

20 Q. All right. In the email, do you see
21 that there's an attachment to it? It
22 says "Defendant North Carolina
23 Department of Justice Document
24 Production Chart"?

25 A. So looking at Dismuke 7, up in the

1 header where it says "Attachments,"
2 there actually appear to be several
3 attachments.

4 Q. Okay. We're going to mark this
5 attachment Exhibit 8.

6 (DISMUKES EXHIBIT NUMBER 8 WAS MARKED.)

7 Q. Have you seen this document before?

8 A. Can I have just a minute?

9 Q. Pardon me?

10 A. Can I have just a minute to look?

11 Q. Oh, yeah, yeah, yeah. Sorry.

12 A. Thank you.

13 MS. JOSEPH: Again, I think
14 this is outside the scope. I'm not
15 going to instruct her not to answer, but
16 I don't think this is topics 7, 11, or
17 17.

18 MS. BATEMAN: Actually, I think
19 this document -- well, we should have
20 emails stuck --

21 MS. JOSEPH: I'm sorry?

22 MS. BATEMAN: I think there are
23 emails stuck at the end of it --

24 MS. JOSEPH: No, not on here.

25 MS. BATEMAN: Not on yours?

1 MS. JOSEPH: It's not on mine.
2 MS. BATEMAN: Okay. Great.
3 MS. JOSEPH: Leslie?
4 THE WITNESS: No.
5 MS. BATEMAN: Great.
6 A. Okay, I'm finished.
7 BY MS. BATEMAN:
8 Q. Have you seen this document before?
9 A. I have not.
10 Q. So you did not review it in preparation
11 for your testimony today?
12 A. I did not review a summary chart of the
13 Bates numbers. I did not.
14 Q. Okay. Do you see that in that email it
15 -- it refers to a ShareFile link?
16 A. I'm sorry, I don't have an email.
17 Q. In Dismukes Number 7.
18 A. In Dismukes 7, there appears to be a
19 ShareFile link.
20 Q. Okay. We are going to mark this Exhibit
21 9.
22 (DISMUKES EXHIBIT NUMBER 9 WAS MARKED.)
23 Q. This appears to have four folders on it.
24 Do you see that?
25 MS. JOSEPH: Objection.

1 Q. Do you see the four folders?

2 A. I see that there are four boxes.

3 Q. Okay. So there's 15, 16, and 17, which
4 we've already talked about. And then
5 there's one that just says "Defendant
6 North Caroli..." and it's an incomplete
7 title in there. Do you see that?

8 A. I do see that.

9 Q. Okay. We are going to mark this
10 Dismukes Exhibit 10.

11 (DISMUKES EXHIBIT NUMBER 10 WAS MARKED.)

12 MS. JOSEPH: Same objection as
13 to scope.

14 Q. I'll ask you to look at this document.
15 You can't tell which of these documents
16 you reviewed without clicking on each
17 link; correct?

18 A. Or if I had a hard copy.

19 Q. Or if you had a hard copy of the
20 document --

21 A. Sure.

22 Q. -- right?

23 And it showed a number on it;
24 right?

25 A. Well, the number wouldn't help me know

1 whether I reviewed it, but the number
2 would help me tie it to your document
3 here.

4 Q. Correct. And if you look on the first
5 page of that document, do you see how
6 big this file is?

7 MS. JOSEPH: Objection. Scope.
8 And also there's been no -- she's said
9 she hasn't seen this document before. I
10 -- I believe these are printouts that
11 you created.

12 Q. Yeah. Do you see that the file is 4
13 gigabytes?

14 A. I see two different file sizes on this
15 page.

16 Q. And the page looks like this?

17 A. Uh-huh. That's correct.

18 Q. And where is the other --

19 A. On the top right corner, it says size
20 3.89 --

21 Q. Uh-huh.

22 A. -- gigabytes.

23 Q. Correct, it does, doesn't it? And then
24 down here, it says 4 -- 4 gigabytes;
25 right? So there's two numbers, 3.89

1 gigabytes and 4 gigabytes; is that
2 correct?

3 A. Those are the numbers on the page.

4 Q. Okay.

5 MS. BATEMAN: I don't have any
6 further questions for this witness.

7 MS. JOSEPH: If you'll hold on
8 to those documents, I'm going to ask you
9 about them.

10 THE WITNESS: Sure.

11 CROSS-EXAMINATION

12 BY MS. JOSEPH:

13 Q. Ms. Dismukes, we'll talk about your
14 preparation for this deposition.

15 Were you the designated witness
16 for the North Carolina Department of
17 Justice on three deposition topics?

18 A. I was.

19 Q. What were those topics?

20 A. 7, 11, and 17.

21 Q. And did you prepare to testify on behalf
22 of the department today?

23 A. I did.

24 Q. What did you do to prepare?

25 A. I took several steps to prepare. First,

1 I took a look at the deposition topics
2 to determine what the scope of the
3 topics or what type of information I
4 would need to review in order to prepare
5 based on my personal knowledge. And
6 after looking at those, I also
7 determined who would -- it would be best
8 to speak with to gather the information
9 contained in those topics. That was in
10 addition to my personal knowledge and
11 whether there would be any documents
12 that would help me prepare. And so I
13 spoke with those individuals and
14 gathered the documents that I thought
15 would help me prepare for those topics.
16 I reviewed those documents that I felt
17 would help me answer the -- any
18 questions responsive to the three topic
19 areas.

20 Q. All right. So did you prepare to
21 testify on behalf of the department
22 today about topic 7, information about
23 the reasons for each personnel change
24 for each position listed on Defendants'
25 Bate Numbers 2048 through 6 -- 2060,

1 also Exhibit B to Plaintiff's third set
2 of discovery requests, that was in the
3 public safety section and occurred from
4 January 1, 2017, to October 2020, and
5 the process for the approval of the
6 same?

7 A. I did.

8 Q. What did you do to prepare for that?

9 A. So I first tried to break it down,
10 taking a look at -- at where the list
11 would start. And so I looked at Bates
12 2048 to 2060. That document contained
13 items that were broader than the scope
14 of January 1, 2017, to October of 2020,
15 and so I looked through to narrow the
16 personnel actions to that time frame.

17 Then for all of those personnel
18 actions with those -- within that time
19 frame, I further looked to narrow to the
20 public safety section, which was also
21 the scope of the topic.

22 And once I had that universe of
23 individuals and actions, I determined
24 where I should look to find the reasons
25 for each personnel change and the

1 process for the approval of those
2 changes. Some of that was within my
3 personal knowledge. Most of that was
4 within the documents that were kept and
5 maintained by supervisors and HR related
6 to each personnel action.

7 And so I went to those
8 documents to gather them together and
9 review so that I would -- not be able to
10 memorize, because they were more than I
11 could memorize, but to be able to
12 testify intelligently using the
13 documents about any of the reasons for
14 the changes for particular personnel
15 actions.

16 Q. So you reviewed documents related to
17 every personnel change for each position
18 from January 2017 through October 20th
19 [sic] within the public safety section?

20 A. I did. That was my goal.

21 Q. And that sounds like a lot of documents.

22 A. It was a lot of documents.

23 Q. You don't know the Bates numbers for
24 these documents though, do you?

25 A. I do not know the Bates numbers.

1 Q. Okay. How many hours do you think you
2 spent doing that?

3 A. In both pulling the documents and
4 reviewing?

5 Q. Yes.

6 A. Ten maybe, maybe more.

7 Q. And you're aware that those documents,
8 for the most part, have been produced,
9 to your knowledge, you just don't know
10 what the Bates numbers are; is that
11 correct?

12 A. That's correct.

13 Q. All right. Let's look at topic number
14 11. Topic number 11 is: Formal or
15 informal complaints of discrimination on
16 the basis of sex or race made by any
17 employee in the public safety section
18 between January 1, 2017, and October
19 2020, including formal and informal
20 internal complaints, complaints filed
21 with the Equal Opportunity -- Equal
22 Employment Opportunity Commission, the
23 Office of Administrative Hearings, or
24 any other entity, and lawsuits. Did I
25 state that topic correctly?

1 A. Yes.

2 Q. Did you prepare to testify on behalf of
3 the North Carolina Department of Justice
4 at this deposition today on topic 11?

5 A. I did.

6 Q. What did you do to prepare?

7 A. Two things. One was to confirm my
8 personal records because I have
9 supervised the public safety section
10 since I joined DOJ on December 18th of
11 2017, so for a large portion of -- of
12 this time period. I checked my personal
13 records to see whether or not I had any
14 -- anything that would indicate we had
15 formal, informal, EEO, or OAH
16 complaints. But because I wasn't with
17 the department for the entire time, I
18 also confirmed that from before,
19 starting January 1 of 2017, but also
20 through October of 2020, with our HR
21 director, that there had been no
22 complaints received by HR that were EEO
23 complaints, OAH complaints, formal or
24 informal, of -- of any nature from
25 within the public safety section during

1 that entire time frame on the basis of
2 sex or race, and there were none.

3 Q. Topic 17 is the reorganization efforts
4 -- that's in quotes -- undertaken by
5 NCDOJ referenced in your answer,
6 document entry -- or docket entry 52,
7 paragraph 29, and the realignments -- in
8 quotes -- and other position changes,
9 including additions and attritions which
10 have occurred in connection with the
11 public safety section from January 1,
12 2017, to October 2020. Is that topic
13 17?

14 A. It is.

15 Q. Did you prepare to testify on behalf of
16 the North Carolina Justice -- Department
17 of Justice on topic 17?

18 A. I did.

19 Q. What did you do to prepare?

20 A. So first, looking at the topic itself, I
21 broke it down since it includes multiple
22 types of information. The first type of
23 information it calls for is
24 reorganization efforts undertaken by
25 NCDOJ as referenced in D52, paragraph

1 29. Refreshing my recollection, that
2 was a time -- or I determined that that
3 was a time period that I was not at DOJ,
4 and so I had to determine, consulting
5 with HR, whether or not there were any
6 reorganization efforts.

7 At that time, I consulted with
8 HR to talk about that process that
9 occurred before my arrival at DOJ and
10 confirmed whether there were any
11 reorganization efforts within
12 specifically the public safety section
13 from January 1 of '17 to October of 2020
14 and -- since I didn't have any personal
15 knowledge of that time frame -- part of
16 that time frame.

17 And then also the other
18 position changes, including additions
19 and attritions for the public safety
20 section within that time period -- some
21 of which, again, was before I joined
22 DOJ, so I confirmed with HR, starting
23 with a list of individuals and personnel
24 actions, and then narrowed that to the
25 section and time frame. This was

1 broader than topic 7 because it included
2 additions and attritions, and so I also
3 looked back at the folks who had left
4 the section, which were the attritions,
5 and so those were additional personnel
6 actions that I studied and -- and took a
7 look at to make sure that I understood
8 what was happening during that time
9 frame in the public safety section.

10 Q. Did you consult docket entry 52,
11 paragraph 29?

12 A. I did.

13 Q. Do you have any recollection of what
14 that allegation was -- or, I'm sorry,
15 not allegation, what we stated on behalf
16 of DOJ in that answer?

17 A. My recollection of that paragraph was
18 that it was fairly narrow and also
19 talked about when I joined the section
20 -- or the division/departments, what I
21 managed, and also who was also managing
22 the section at that time. The criminal
23 division was managed by Robert
24 Montgomery.

25 Q. As part of your preparation for

1 testifying on behalf of the North
2 Carolina Department of Justice for topic
3 17, did you consult documents?

4 A. I did.

5 Q. How did you go about doing that?

6 A. So some of the documents would be the
7 same -- or overlapping, rather, with
8 topic 7, depending on how you define
9 realignment. We didn't have a
10 definition for that. So I looked at
11 some of those documents to see whether
12 that would -- whether I thought that
13 would qualify.

14 Additions would be new hires in
15 my mind. And then attritions would be
16 those who had left the section.

17 And so I requested from HR the
18 documents, pulling from the exit
19 paperwork of folks who had tendered
20 their resignations or had moved on or
21 retired from the section, which would be
22 an addition to -- from topic 7. So I
23 pulled all of the paperwork that would
24 have encompassed those attritions during
25 that time frame.

1 Q. Did you review all of them --

2 A. I did.

3 Q. -- in connection with every employee

4 that -- that was encompassed here?

5 A. In connection with every employee from

6 the public safety section during the

7 period of January 1, '17, to October of

8 2020.

9 Q. About how many employees was that?

10 A. The attritions in particular?

11 Q. In total, to -- to prepare for

12 testifying on deposition topic 17.

13 A. So maybe roughly 20, including

14 additions, attritions, and realignments,

15 which is -- could be broad.

16 Q. How many hours did you spend doing that,

17 including examining what information you

18 needed to pull, having those records

19 delivered to you, and reviewing them?

20 A. Maybe ten additional hours.

21 Q. Is it your understanding that the Court

22 also ordered the North Carolina

23 Department of Justice to supplement some

24 of its document production?

25 A. Correct.

1 Q. Did you help participate in collecting
2 those documents?

3 A. I did.

4 Q. And without disclosing communications
5 among counsel, are you aware that those
6 -- whether those documents were
7 produced?

8 A. It's my understanding they were
9 produced.

10 Q. Was it your understanding they were
11 produced on Friday and Sunday?

12 A. That is correct.

13 Q. Do you know the Bates numbers for those
14 documents?

15 A. I do not know the Bates numbers for
16 those documents.

17 MS. JOSEPH: No further
18 questions.

19 MS. BATEMAN: I just have a
20 couple of follow-ups.

21 REDIRECT EXAMINATION

22 BY MS. BATEMAN:

23 Q. You testified that you spoke to people
24 to prepare for your deposition today?

25 A. I did.

1 Q. Who did you speak to?

2 MS. JOSEPH: In connection with
3 -- Objection. Specify the topic,
4 please.

5 MS. BATEMAN: All of the
6 topics.

7 A. Okay. So my three topics were 7, 11,
8 and 17. And so with respect to topic 7,
9 I spoke with Kristin Bierline, who is
10 our HR director, who helped to gather
11 the information that I needed to review
12 in order to testify about topic 7. And
13 I also spoke to Tammera Hill briefly to
14 determine where she left documents when
15 she left the department, which I then
16 gathered.

17 And then for topic 11, formal
18 and informal complaints, I spoke with
19 Kristin Bierline, who is the HR
20 director, to confirm my recollection
21 that there had been none.

22 And then with topic 17, the
23 reorganization efforts, I also spoke
24 with Kristin Bierline and asked her to
25 pull some of the documents that I would

1 need to study in order to be able to
2 testify as to topic 17.

3 Q. Are you aware that none of the documents
4 related to public safety section that
5 you reviewed were produced prior to
6 Friday?

7 MS. JOSEPH: Objection.

8 A. I'm not aware of the time frame of any
9 of the particular documents or if they
10 were produced or when they were
11 produced.

12 MS. BATEMAN: I don't have any
13 further questions.

14 RE CROSS-EXAMINATION

15 BY MS. JOSEPH:

16 Q. The department made a -- and all of you
17 made a document production in April;
18 correct?

19 A. Yes.

20 Q. And you don't know which documents were
21 produced in April and which documents
22 were produced after the Court ordered a
23 broader production; correct?

24 A. That's correct.

25 MS. JOSEPH: Nothing further.

1 THE COURT REPORTER: Okay.
2 We're off the record at 2:44.
3 (THE DEPOSITION CONCLUDED AT 2:44 P.M.)

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1 ERRATA SHEET

2 Case Name: Sonya Calloway-Durham

3 vs.

4 NCDOJ, et al.

5 Case Number: 5:21-cv-000371-BO

6 Deponent: Leslie Dismukes

7 Date: March 18, 2024

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1 SIGNATURE

2

3 I, Leslie Dismukes, do hereby state
4 under oath that I have read the above
5 and foregoing deposition in its entirety
6 and that the same is a full, true, and
7 correct transcript of my testimony.

8

9 Signature is subject to corrections on
10 attached errata sheet, if any.

11

12

13 _____
14 Leslie Dismukes

15

16 State of _____

17

18 County of _____

19

20

21 Sworn to and subscribed before me this
22 _____ day of _____, 20__.

23

24

25 _____
Notary Public

26

27 My commission expires: _____

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1 CERTIFICATE

2 State of North Carolina
3 County of Wake

4 I, Debbie Rodgers, a notary public in
5 and for the State of North Carolina, do
6 hereby certify that there came before me
7 on the 18th day of March, 2024, the
8 person hereinbefore named, who was by me
9 duly sworn to testify to the truth and
10 nothing but the truth of her knowledge
11 concerning the matters in controversy in
12 this cause; that the witness was
13 thereupon examined under oath, the
14 examination reduced to typewriting.

11 I further certify that I am not counsel
12 for, nor in the employment of any of the
13 parties to this action; that I am not
14 related by blood or marriage to any of
15 the parties, nor am I interested, either
16 directly or indirectly, in the results
17 of this action.

15 In witness whereon, I have hereto set my
16 hand, this the 21st day of March, 2024.

17 
18 Debbie Rodgers
19 Professional Court Reporter

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